

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:03CR3034
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
JESUS DIAZ,)	
)	
Defendant.)	

This matter comes on to consider the government's request for hearing on Rule 35(b) motion (filing 85). Having considered the matter,

IT IS ORDERED that:

(1) The government's request for hearing on Rule 35(b) motion (filing 85) is granted;

(2) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 81) has been set before the undersigned United States district judge at 4:30 p.m., Monday, October 24, 2005, in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska;

(3) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion;

(4) The Marshal is directed not to return the defendant to the district; and

(5) The defendant is held to have waived his right to be present.

September 30, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge